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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,647	10/31/2000	Katsushi Nihei	016886/0179	7105

22428 7590 06/15/2004

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
2686	10

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/673,647

**Applicant(s)**

Nihei et al.

**Examiner**

Rafael Perez-Gutierrez

**Art Unit**

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on December 29, 2003.

**Claims 1-12** are now pending in the present application. **This Action is made FINAL.**

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-12** are rejected under 35 U.S.C. 102(e) as being anticipated by **Greene et al.**

**(U.S. Patent # 6,212,177 B1).**

Consider **claims 1, 5, and 9**, Greene et al. clearly show and disclose a method and a remote access system (mobile turret system) (figure 1) including a virtual turret side (i.e., office switching network 10 and trader turrets 12, 13) composed of a first general-purpose personal computer (column 2 lines 15-40) and a mobile turret side composed of a personal (second general-purpose) computer 20 and a telephone 28 in a financial trading network (dealing communication system) (figure 1, column 1 lines 5-12, and column 2 lines 42-61), comprising:

starting means/unit (i.e., personal computer 20, mouse 24, Internet 26, telephone 28, and public switching telephone network (PSTN) 29) (figure 1) for, when a remote computing start

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operation is performed at said personal (second general-purpose) computer 20, connecting with said first general-purpose personal computer (column 2 lines 15-40) via said telephone 28 on the PSTN 29, and starting said virtual turret (i.e., office switching network 10 and trader turrets 12, 13) on said personal (second general-purpose) computer 20 (abstract, column 1 lines 31-50, column 1 lines 61-65, and column 2 lines 42-61), and

connection means/unit (i.e., personal computer 20, Internet 26, telephone 28, and PSTN 29) (figure 1) for, when a connection operation is performed from said telephone 28 to a computer telephony integration (CTI) device (e.g., located in office switching network 10 or the trader turrets 12, 13 (figure 1)) after start of said virtual turret (i.e., office switching network 10 and trader turrets 12, 13), displaying an incoming call on said virtual turret (i.e., office switching network 10 and trader turrets 12, 13) and responding to said incoming call, thereby communication-connecting said telephone 28 with said CTI device (e.g., located in office switching network 10 or the trader turrets 12, 13 (figure 1)) (column 1 lines 51-60 and column 3 lines 11-24),

wherein said virtual turret side (i.e., office switching network 10 and trader turrets 12, 13) and said mobile turret side are connected by remote computing, and said virtual turret (i.e., office switching network 10 and trader turrets 12, 13) is controlled by operating said mobile turret as if an operation is made at said virtual turret (i.e., office switching network 10 and trader turrets 12, 13) (abstract, figures 1 and 2, column 1 lines 45-60, and column 2 line 42 - column 3 line 24).

Consider **claims 2, 6, and 10**, and as applied to **claims 1, 5, and 9** above, Greene et al. further disclose that said remote access system (mobile turret system) comprises communication

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connection processing means (office switching network 10) for, in a status where said virtual turret side (i.e., office switching network 10 and trader turrets 12, 13) and said mobile turret side are connected by said remote computing, when a button (e.g., 16, 19 (figure 2)) on said virtual turret is operated, establishing communication connection with a predetermined party corresponding to said button (e.g., 16, 19 (figure 2)) by using said telephone 28, and when a release button on said virtual turret is operated, releasing the communication connection with said predetermined party (figures 1 and 2, column 1 lines 51-60, and column 3 lines 4-24).

Consider **claims 3, 4, 7, 8, 11, and 12**, and **as applied to claims 1, 2, 5, and 9 above**, Greene et al. further disclose that said remote access system (mobile turret system) controls an operation system of the virtual turret and/or a voice system of the CTI device (e.g., located in office switching network 10 or the trader turrets 12, 13 (figure 1)) by means of connection and control by remote computing (column 1 line 31 - column 3 line 24).

### ***Double Patenting***

3. Applicant is advised that should **claim 7** be found allowable, **claim 8** will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

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*Response to Arguments*

4. Applicant's arguments filed December 29, 2003 have been fully considered but they are not persuasive.

In the present application, Applicant basically argues, on page 10 of the remarks, that "Greene et al. does not disclose or suggest the ... particular elements to connect the virtual turret side and the mobile turret side by remote computing at all".

The Examiner respectfully disagrees with Applicant's argument because as recited in the above rejection, Greene et al. clearly show and disclose the claimed elements used to connect the virtual turret side and the mobile turret side by remote computing. Specifically, Greene et al. clearly shows and disclose starting means/unit (i.e., personal computer 20, mouse 24, Internet 26, telephone 28, and public switching telephone network (PSTN) 29) (figure 1) for, when a remote computing start operation is performed at said personal (second general-purpose) computer 20, connecting with said first general-purpose personal computer (column 2 lines 15-40) via said telephone 28 on the PSTN 29, and starting said virtual turret (i.e., office switching network 10 and trader turrets 12, 13) on said personal (second general-purpose) computer 20 (abstract, column 1 lines 31-50, column 1 lines 61-65, and column 2 lines 42-61), and connection means/unit (i.e., personal computer 20, Internet 26, telephone 28, and PSTN 29) (figure 1) for, when a connection operation is performed from said telephone 28 to a computer telephony integration (CTI) device (e.g., located in office switching network 10 or the trader turrets 12, 13 (figure 1)) after start of said virtual turret (i.e., office switching network 10 and trader turrets 12, 13), displaying an incoming call on said virtual turret (i.e., office switching network 10 and

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trader turrets 12, 13) and responding to said incoming call, thereby communication-connecting said telephone 28 with said CTI device (e.g., located in office switching network 10 or the trader turrets 12, 13 (figure 1)) (column 1 lines 51-60 and column 3 lines 11-24).

Therefore, in view of the above reasons and having addressed Applicant's argument, the previous rejection is maintained and made FINAL by the Examiner.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Crystal Park II  
2021 Crystal Drive  
Arlington, VA 22202  
Sixth Floor (Receptionist)

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call



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customer service at (703) 306-0377.

  
Rafael Perez-Gutierrez

R.P.G./rpg

**RAFAEL PEREZ-GUTIERREZ**  
**PATENT EXAMINER**

June 14, 2004

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**